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PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which Was introduced on the 25th March, 2021 by Shri Bhupendrabhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

THE GUJARAT PROHIBITION ON HOLDING PROTEST IN A PUBLIC PLACES BILL, 2021

GUJARAT BILL NO. 16 OF 2021.

A BILL

to provide for prohibition on holding protest in a public places where it leads to obstruction of public movement in the State of Gujarat and matters connected therewith.

It is hereby enacted in the Seventy- second Year of the Republic of India as follows:-

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| <p>1. (1) This Act may be called the Gujarat Prohibition on holding protest in a Public Places Act, 2021.</p> <p>(2) It shall extend to the whole of the State of Gujarat.</p> <p>2. In this Act, unless the context otherwise requires -</p> <p>(1) "Government" means the State Government of Gujarat;</p> <p>(2) "Public Places" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, or way whether thoroughfare or not and landing place to which public have a right to pass or generally used by public at large for the purpose of free movement.</p> | <p>Short title and extent</p>

<p>Definitions</p> |
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- Prohibition on holding protest in a public place** 3. (1) There shall be prohibition on holding protest and agitation in a public place where it may lead to obstruction of the public movement, blocking of road providing connectivity and create law and order problem.
- (2) Any individual or organizer of a protest of public at large before holding protest at any place shall ascertain the detailed, comprehensive and exhaustive guidelines relating to prohibition for holding protest and agitations leading to obstruction of public movement.
- (3) The Government shall from time to time notify the places where such prohibition is declared and shall also make publicity of such places through print media.
- (4) It shall be lawful for the police authority or other forces deployed by the Government to remove protestor from such public places who are in breach of the provisions of this Act.
- Issuance of guidelines** 4. The Government shall lay down comprehensive and exhaustive guidelines relating to prohibition for holding protest and agitations leading to obstruction of movement.
- Punishment** 5. Whoever commits any mischief by doing any act in contravention of the provisions of this Act including damage or loss to property at public places and doing any act which renders any public road, bridge impassable or unsafe for movement shall be punished with imprisonment for a term not exceeding three months or with a fine up to rupees twenty thousand or both.
- Trial of offences** 6. All offences under this Act shall be summary trialed by a Court of Chief Metropolitan Magistrate.
- Provisions of the Act not in derogation** 7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.
- Power to make rules** 8. The Government may, by notification in the *Official Gazette*, makes rules to carry out purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Incidents of protest in public places are increasing day by day. Employees, Students and public at large while protesting for their rights, sometimes take law and order in their hands and leader of organization of such people also encourages unauthorized means for demonstration in public places. Hence it is necessary to have total prohibition of protest in a public places where it may lead to obstruction of public movement. It is also necessary to lay down comprehensive and exhaustive guidelines relating to complete restriction for holding protest and agitations leading to obstruction of public movement. Hence it is considered necessary to enact a law on the subject.

Hence this Bill.

Dated the 20th February, 2021
Gandhinagar

BHUPENDRABHAI PATEL
M.L.A

MEMORANDUM REGARDING DELEGATED LEGISLATION

This bill involves delegation of legislative powers in the following respect, namely:-

Clause 4 of the Bill empowers the State Government to frame and to issue guidelines for Prohibition on Holding Protest in a Public Places.

Clause 8 of the Bill empowers the State Government to prescribe by rules for the purpose of carrying out the objects of the Act.

The delegation of legislative powers as proposed is necessary and is of a normal character.

Dated the 20th February, 2021
Gandhinagar

BHUPENDRABHAI PATEL
M.L.A

Dated the 25th March, 2021
Gandhinagar

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.